

SENATE BILL 327

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 38 and Title 39, relative to missing and
endangered children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as "Evelyn Boswell's Law."

SECTION 2. Tennessee Code Annotated, Section 37-10-202, is amended by deleting
the section and substituting:

(a) Except as provided in subsection (b), whenever a parent knows, learns, or
believes that a child under the parent's charge and care is missing, the parent shall
report the child as being missing to a law enforcement agency or the Tennessee bureau
of investigation.

(b) Whenever the parent knows, learns, or believes that a minor child under the
parent's charge and care is missing, the parent shall make the report under subsection
(a) within a reasonable time after determining that the child is missing, but in no event
more than twenty-four (24) hours after determining that the child is missing. As used in
this section, "minor child" means a person who is twelve (12) years of age or younger.

(c)

(1) A parent who is subject to the duty imposed by subsection (b)
commits the offense of failure to report a missing child if the parent fails to make,
or fails to cause to be made, the report required under subsection (b) with
intentional or reckless disregard for the safety of the minor child.

(2) Failure to report a missing child is a Class A misdemeanor.

(d) This section does not prohibit prosecution under any other law.

(e) It is a defense to prosecution under this section that the parent made reasonably diligent efforts to verify the whereabouts and safety of the minor child during the period of any delay in making the report required by subsection (b).

(f) A person who knowingly makes a false allegation against a parent of failure to report a missing child as required by this section, in addition to any other penalties provided for by law, may be prosecuted for the offense of false reports under § 39-16-502, and the court may order the accuser to pay all litigation expenses, including, but not limited to, reasonable attorney's fees, discretionary costs, and other costs incurred by the wrongly accused party in defending against the false allegation.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to conduct occurring on or after that date.